

**TRANSMITTAL LETTER TO THE  
UNITED STATES  
DESIGNATED/ELECTED OFFICE  
(DO/EO/US) CONCERNING A FILING  
UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER  
107976U.S. APPLICATION NO.  
(if known, sec 37 C.F.R. 1.5)  
09/701,243INTERNATIONAL APPLICATION NO.  
PCT/FR99/01247INTERNATIONAL FILING DATE  
May 27, 1999PRIORITY DATE CLAIMED  
May 27, 1998TITLE OF INVENTION  
METHOD FOR AMPLIFYING AT LEAST ONE SPECIFIC NUCLEOTIDE SEQUENCE, AND PRIMERS USEDAPPLICANTS FOR DO/EO/US  
Bruno MOUGIN et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

**Items 11. to 16. below concern other document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.  
☒ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ Entitlement to small entity status is hereby asserted.
16. ☒ Other items or information: Copy of Notification of Defective Response and Sequence Listing (paper and computer-readable copies).

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) 09/701,243		INTERNATIONAL APPLICATION NO. PCT/FR99/01247		ATTORNEY'S DOCKET NUMBER 107976	
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17. <input type="checkbox"/> The following fees are submitted:  <b>Basic National f (37 CFR 1.492(a)(1)-(5)):</b>  Search Report has been prepared by the EPO or JPO ....\$890.00  International preliminary examination fee paid to USPTO (37 CFR1.482) .....\$710.00  No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) .....\$740.00  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....\$1,040.00  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) .....\$ 100.00  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>	<b>CALCULATIONS</b>	<b>PTO USE ONLY</b>

Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
Claims	Number Filed	Number Extra	Rate	\$	
Total Claims	- 20 =		X \$ 18.00	\$	
Independent Claims	- 3 =		X \$ 84.00	\$	
Multiple dependent claim(s)(if applicable)			+ \$280.00	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	
Reduction by 1/2 for filing by small entity, if applicable.				-	\$
<b>SUBTOTAL =</b>				\$	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 month from the earliest claimed priority date (37 CFR 1.492(f)).				+	\$
<b>TOTAL NATIONAL FEE =</b>				\$	
				Amount to be refunded	\$
				Charged	\$

a. <input type="checkbox"/> Check No. _____ in the amount of \$ _____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. <u>15-0461</u> . A duplicate copy of this sheet is enclosed.	<div style="text-align: center;">        NAME: William F. Berridge        REGISTRATION NUMBER: 30,024     </div> <div style="text-align: center; margin-top: 20px;">        NAME: Philip A. Caramanica, Jr.        REGISTRATION NUMBER: 51,528     </div>
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NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:  
 OLIFF & BERRIDGE, PLC  
 P.O. Box 19928  
 Alexandria, Virginia 22320

Date: December 18, 2002

(1390 REV. 5-93) US DEPT. OF COMMERCE PATENT & TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER  
107976

**TRANSMITTAL LETTER TO THE  
UNITED STATES  
DESIGNATED/ELECTED OFFICE  
(DO/EO/US) CONCERNING A FILING  
UNDER 35 U.S.C. 371**

U.S. APPLICATION NO.  
(if known, sec 37 C.F.R. 1.5)  
09/701,243

RECEIVED  
AUG 14 2003  
TECH CENTER 1600/2900

INTERNATIONAL APPLICATION NO.  
PCT/FR99/01247

INTERNATIONAL FILING DATE  
May 27, 1999

PRIORITY DATE CLAIMED  
May 27, 1998

TITLE OF INVENTION  
METHOD FOR AMPLIFYING AT LEAST ONE SPECIFIC NUCLEOTIDE SEQUENCE, AND PRIMERS USED

APPLICANTS FOR DO/EO/US  
Bruno MOUGIN et al.

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- ☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ Entitlement to small entity status is hereby asserted.
16. ☒ Other items or information: Petition to Withdraw Holding of Abandonment; Copy of February 12, 2003, Patent Office Communication, Copies of Supplemental Preliminary Amendment, Sequence Listing (paper and computer-readable copies) and Transmittal letter filed December 18, 2002 and Copy of December 18, 2002 stamped postcard receipt.

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) 09/701,243	INTERNATIONAL APPLICATION NO. PCT/FR99/01247	ATTORNEY'S DOCKET NUMBER 107976
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17. <input type="checkbox"/> The following fees are submitted:  <b>Basic National fee (37 CFR 1.492(a)(1)-(5)):</b>  Search Report has been prepared by the EPO or JPO ....\$890.00  International preliminary examination fee paid to USPTO (37 CFR1.482) .....\$710.00  No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) .....\$740.00  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....\$1,040.00  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) .....\$ 100.00  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>	<b>CALCULATIONS</b>	<b>PTO USE ONLY</b>																
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$																	
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">Claims</th> <th style="width: 20%;">Number Filed</th> <th style="width: 10%;">Number Extra</th> <th style="width: 10%;">Rate</th> </tr> <tr> <td>Total Claims</td> <td style="text-align: center;">- 20 =</td> <td></td> <td>X \$ 18.00</td> </tr> <tr> <td>Independent Claims</td> <td style="text-align: center;">- 3 =</td> <td></td> <td>X \$ 84.00</td> </tr> <tr> <td colspan="3">Multiple dependent claim(s)(if applicable)</td> <td>+ \$280.00</td> </tr> </table>	Claims	Number Filed	Number Extra	Rate	Total Claims	- 20 =		X \$ 18.00	Independent Claims	- 3 =		X \$ 84.00	Multiple dependent claim(s)(if applicable)			+ \$280.00	\$	
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<b>TOTAL OF ABOVE CALCULATIONS =</b>	\$																	
Reduction by 1/2 for filing by small entity, if applicable. -	\$																	
<b>SUBTOTAL =</b>	\$																	
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<b>TOTAL NATIONAL FEE =</b>	\$																	
	Amount to be refunded	\$																
	Charged	\$																

a. ☐ Check No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 15-0461. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:  
 OLIFF & BERRIDGE, PLC  
 P.O. Box 19928  
 Alexandria, Virginia 22320

NAME: William R. Berridge  
 REGISTRATION NUMBER: 30,024

NAME: Philip A. Caramanica, Jr.  
 REGISTRATION NUMBER: 51,528

Date: February 21, 2003

**PTO RECEIPT FOR FILING OF PAPERS**

**The following papers have been filed:**

PCT Transmittal (in duplicate), Supplemental Preliminary Amendment with copy of Notification of Defective Response and Sequence Listing (paper and computer-readable copies)

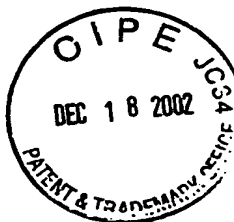
**Name of Applicant:** Bruno MOUGIN et al.

**Serial No.:** 09/701,243

**Atty. File No.:** 107976

**Title (New Cases):**

**Sender's Initials:** WPB:PAC/jam



136  
/ 11

**PATENT OFFICE DATE STAMP**

**COPY TO BE STAMPED BY PATENT OFFICE  
AND RETURNED BY MESSENGER**

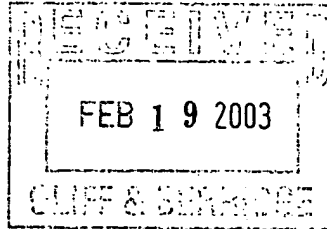
12 FEB 2003



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

PAC




William P. Berridge  
OLIFF & BERRIDGE, PLC  
P.O. Box 19928  
Alexandria, VA 22320


In re Application of  
BRUNO MOUGIN, ET AL.  
Application No.: 09/701,243  
PCT No.: PCT/FR99/01247  
Int. Filing Date: 27 May 1999  
Priority Date: 27 May 1998  
Attorney's Docket No.: 107976  
For: METHOD FOR AMPLIFYING AT  
LEAST ONE SPECIFIC NUCLEOTIDE  
SEQUENCE, AND PRIMERS USED

Dear Mr. Berridge:

This is in response to your communication received 06 November 2002 requesting the status of U.S. application 09/701,243. The application is abandoned. A response to the "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916 mailed 18 November 2002) is not of record in the application file. Attached is a copy of the Notification for your convenience.

  
Leonard Smith  
PCT Legal Examiner  
PCT Legal Office

JSF/LS:jf

  
Jeremy Fleming  
Paralegal Specialist  
PCT Legal Office

Tel: (703) 308-6154  
Fax: (703) 308-6459

Attachment: copy of Form PCT/DO/EO/916

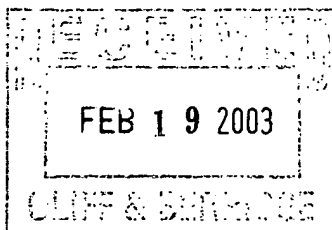


UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

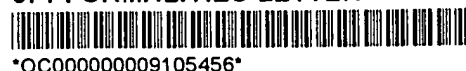
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/701,243	Bruno Mougin	107976

Oliff & Berridge  
 PO Box 19928  
 Alexandria, VA 22320



INTERNATIONAL APPLICATION NO.	
PCT/FR99/01247	
I.A. FILING DATE	PRIORITY DATE
05/27/1999	03/27/1998

CONFIRMATION NO. 7333  
 371 FORMALITIES LETTER



\*OC00000009105456\*

Date Mailed: 11/18/2002

### NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments
- Small Entity Statement

Applicant's response filed 12/28/2000 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 10/01/2001 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- APPLICANT MUST PROVIDE:
  - An initial or substitute computer readable form (CRF) of the "Sequence Listing."

• For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHELBY J VIGIL

Telephone: (703) 305-3653

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/701,243	PCT/FR99/01247	107976